

Panaji, 21st April, 1983 (Vaisaka 1, 1905)

SERIES II No. 3

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

#### Department of Personnel and Administrative Reforms

Order

No. 3/1/80-PER

On placement of their services at the disposal of this Administration by the Government of India, Ministry of Home Affairs, the Administrator of Goa, Daman and Diu is pleased to appoint the following I.P.S. Officers to the posts shown against their respective names with immediate effect:—

Sr. No.	Name of the Officer	Post to which appointed and charge allotted.
1	2	3
1.	Smt. Kiran Bedi, IPS., U. T: 72	Superintendent of Police (Training) and incharge of Goa Reserve Police and Traffic Cell, Panaji-Goa.
2.	Shri Shujauddin Saajid, IPS., U. T: 74	Dy. Commandant General Home Guards and Dy. Director Civil Defence and incharge of Fire Services, Panaji.

2. Shri A. K. Seth, IPS., Dy. Commandant General Home Guards and Dy. Director Civil Defence, Panaji, is relieved from this Administration under the orders of Government of India, Ministry of Home Affairs and is directed to report for further posting to the Chief Secretary, Arunachal Pradesh.

3. The order of even number dated 23-2-1983 shall be treated as cancelled.

By order and in the name of the Administrator of Goa, Daman and Diu,

*R. I. Jai Prakash* Joint Secretary.

Panaji, 13th April, 1983.

Order

No. 3/17/74-PER (Vol.II-AA)

Reau: Order No. 15/46/83-SA&C dated 18/3/83.

In exercise of the powers vested in him under sub-Rule 2 of Rule 4 of the Goa, Daman and Diu Civil Service Rules, 1967, read with Rule 2 clause (d) thereof, the Administrator of Goa, Daman and Diu is pleased to declare the post of Joint Secretary (Planning and Development) to Government in the Secretariat in the pay scale of Rs. 1100-1600, created vide order cited above as Grade I "duty post" of Goa, Daman and Diu Civil Service for a period of three years with effect from 18th March 1983 for the purpose of recruitment thereto.

2. Shri Pukh Raj Bumb, Grade I Officer of Goa, Daman and Diu Civil Service, functioning as Joint Secretary (Planning and Development) is shown against this new post with effect from 18th March, 1983.

By order and in the name of the Administrator of Goa, Daman and Diu.

*R. I. Jai Prakash*, Joint Secretary.

Panaji, 15th April, 1983.

Order

No. 4/5/81-PER

Read Order of even number dated 10-1-83.

Kum. L. Khlangate, IAS, Director of Education is appointed as Director of Technical Education in addition to her own duties with effect from 22-3-1983.

This issues in supersession of the order of even number dated 22-3-1983.

By order and in the name of the Administrator of Goa, Daman and Diu.

*G. H. Mascarenhas*, Under Secretary (Personnel).

Panaji, 8th April, 1983.

#### Home Department (General)

Notification

No. HD-G-45-59-575-66-Vol. III

Read: Notification No. HD-G-45-59-575-66-Vol. III dated 15th May, 1982 published in Official Gazette, Series II No. 12 dated 17th June, 1982.

The entries at Sr. Nos. 14 and 25 of the above referred Notification are substituted by following:—

Serial No. 14 — Under Secretary (Home) — Ex-Officio Member.

Serial No. 25 — Secretary, Rajya Sainik Board, Panaji — Member Secretary.

By order and in the name of the Administrator of Goa, Daman and Diu.

*S. M. Naik*, Under Secretary (Home).

Panaji, 13th April, 1983.

Notification

No. HD-(G)-43-25/74

In pursuance of sub-rule (3) of rule 57 of the Arms Rules 1962 read with the Government of India, Ministry of Home Affairs Notification No. 2/2/69-UTL(I) dated 21st June, 1969, the Administrator of Goa, Daman and Diu hereby exempts

in public interest, the retired/released officers of the Indian Armed Forces residing in the Union territory of Goa, Daman and Diu from the payment of fees for grant or renewal of arms licence in respect of one revolver or pistol and one ceremonial or other sword;

Provided that, if application for renewal of any such Licence is not made within one month of the date on which the Licence expires, the licensing authority may, unless the applicant satisfies the licensing authority that he had sufficient cause for not making the application within that period, levy renewal fee at the rate specified in Form III set out in Schedule III to the said rules.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. M. Naik, Under Secretary (Home).

Panaji, 8th April, 1983.

## Works, Education and Tourism Department

### Public Works Department

Office of the Chief Engineer

Order

No. 67/2/80/CE-PWD-ADM(I)

- Read:— 1. Letter No. F.17-16/82/T-13 dated 24.12.1982 from the Ministry of Education and Culture (Deptt. of Education), New Delhi.
2. Order No. 67/2/80-CE-PWD-ADM(I)39, dated 25.3.1980, from the Chief Engineer, P.W.D., Panaji.

Sanction of the Government is hereby conveyed for the continuation of the present nomination of Shri C. G. Gomes, Senior Architect, P.W.D., Goa, as a member of the Council of Architecture for a further term upto 30.12.1985.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

Jose F. F. de Albuquerque, Chief Engineer, PWD and Ex-Officio Addl. Secretary to the Govt.

Panaji, 31st March, 1983.

## Forest and Agriculture Department

Order

No. 2-17/79-AGR

On recommendations of Departmental Promotion Committee the following officers holding the posts of Assistant Agricultural Officers and other allied posts on ad-hoc basis in the Directorate of Agriculture are hereby promoted as Assistant Agricultural Officer Grade I on officiating basis in the pay scale of Rs. 650-30-740-35-810-EB-35-880-40-1000-EB-40-1200 with effect from the dates indicated against them:—

Sr. No.	Name of the Officer	Date from which promoted
1.	Shri C. L. Sharma	12-10-1973
2.	Shri K. G. Nair	13-5-1974
3.	Shri P. B. Hawaldar	18-5-1974
4.	Shri K. G. Sharma	19-5-1974
5.	Shri W. M. Khade	17-8-1979
6.	Shri S. R. Pande	20-8-1979
7.	Shri G. K. Patil	31-7-1980

By order and in the name of the Administrator of Goa, Daman and Diu.

A. V. Pimenta, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 16th April, 1983.

## Local Administration and Welfare Department

Order

No. 10-49-82-COOP-LAWD/Reservation

In exercise of the powers conferred by section 73B of the Maharashtra Co-operative Societies Act, 1960, as applied to the Union territory of Goa, Daman & Diu, the Lieutenant Governor of Goa, Daman and Diu is hereby pleased to direct that two seats on the Committees of the Societies as specified below shall be reserved for the purpose of the said section namely:—

(i) Pernem, Satari and Canacona Taluka Farmers Service Cooperative Societies.

(ii) Re-organised Primary Agricultural Credit Co-operative Societies having 15% of their total members Scheduled Castes/Scheduled Tribes.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

Alexandre Pereira, Under Secretary (Revenue).

Panaji, 13th April, 1983.

Order

No. 3-39-73-LSG(GEN)

Shri R. G. Jatkar, Director Administration in the office of the Chief Electrical Engineer, Panaji is hereby appointed to hold additional charge as Administrator of Panaji Municipal Council with immediate effect and until further orders in place of Shri Pradeep Mehra, IAS.

By order and in the name of the Administrator of Goa, Daman and Diu.

Alexandre Pereira, Under Secretary (Revenue).

Panaji, 14th April, 1983.

## Revenue Department

Notification

No. 22/74/82-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. for construction of Hassapur Bridge and approach road at Alorna and Chandel Pernem.

Therefore the Government is pleased to notify under Sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Land Acquisition Officer, P.W.D. (Cell) Altinho, Panaji to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under Sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Land Acquisition Officer, P.W.D. (Cell) Altinho, Panaji.

3. The Executive Engineer Works Division XIII P. W. D. (N. H. N. G.) Panaji.

4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Land Acquisition Officer, P. W. D. (CELL), Altinho, Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

#### SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Pernem	Alorna	378	1 part	O: Shankarajo G. Dessai.	143.00
				2 "	T: Zilu Ladu Malik.	
					O: Government.	145.00
					T: Shriram Devu Malik.	
					Laximan Devu Malik.	
					Fondu Devu Malik.	
				"	O: Ladu Ganesh Malik.	181.00
					T: Ganesh Sako Malik.	
				4 "	O: Shankaraji Gaswantaji Dessai.	300.00
					Chandrakant Bhiva Malik.	
				5 "	O: Namdev Narayan Malik.	535.00
					Shantaram Gopal Malik.	
					Harishchandru Gopal Malik.	
				6 "	O: Ladu Eknath Ganesh Malik.	820.00
					Vishwanath Ganesh Malik.	
					Eknath Ganesh Malik.	
					Anant Ganesh Malik.	
				7 "	O: Shivram Devu Malik.	1287.00
					Pundalik Krishna Malik.	
					Gajanan Balu Malik.	
					Chandrakant Bela Malik.	
				8 "	O: Babu Nana Malik.	218.00
					Suba Vaman Malik.	
					Bhicaaji Shamsundar Malik.	
					Atmaram Shamsundar Malik.	
					Babu Chandru Malik.	
					Pandurang Rama Malik.	
					Shiva Sakaram Malik.	
					Narayan Nauso Malik.	
					Dattaram Vasu Malik.	
				9 "	O: Ladu Bhadu Malik.	137.00
					Somu Gana Malik.	
				10 "	O: Nagu Arjun Malik.	28.00
			372	1	O: Atmaram Narayan Malik.	400.00
					Babu Nana Malik.	
					Ramchandra Vasu Malik.	
					Dattaram Vasu Malik.	
					Pandurang Rama Malik.	
				2	O: Bhandu Ladu Malik.	441.00
				3 part	O: Ladu Bhadu Malik.	200.00
					Soma Gana Malik.	
					North: Road, S. No. 378/1, 378/2, 378/3, 378/4, 378/5 and 378/6.	
					South: River.	
					East: S. No. 378/1, 378/2, 378/3, 378/4, 378/5, 378/6, 378/7, 378/8, 378/9, 378/10, S. No. 372/3, 372/4.	
					West: S. No. 378/1, 378/2, 378/3, 378/4, 378/5, 378/8 and Road.	
			93	17 part	O: Ravi Shambu Tuenkar.	782.00
					T: Bhavan Shankar Shetkar.	
				15 "	O: Bicaaji Vasu Gauns.	163.00
				16 "	O: Shivaji Govind P. P. Dessai.	338.00
				9 "	O: Babli Krishna Gauns.	272.00
					Krishna Dhulaji Gauns.	
					T: Japherin Dias.	
				13 "	O: Smt. Laxmi Gopal Gauns.	162.00
					T: Santan Dias.	
				12 "	O: Shivaji Govind P. P. Dessai.	38.00
					T: Zopherin Dias.	
				11 "	O: Ladu Joma Gauns.	5.00
					Keshav Joma Gauns.	
					T: Zopheria Dias.	
			101	1 "	O: Laximan Bikaji Gauns.	265.00
			94	11 "	O: Yesso Bilu Gauns.	1775.00
					Rama Zilu Gauns.	
					Devu K. Gauns.	
					Shashikant B. Gauns.	
				9 "	O: Vithal Naru Gauns.	238.00
				10 "	O: Caitan D'Souza.	313.00
					Antho Pedru D'Souza.	
					Bastaun Pedru D'Souza.	

1	2	3	4	5	6	7
Pernem	Chandel	94	8 part	O: Bhicaji Vasu Gauns.		388.00
			7 "	O: Yeshwant Sakaram Gauns.		6.00
			6 "	O: Balo Keshav Gauns.		6.00
			5 "	O: Zepherin Dias.		113.00
			2 "	O: Babla Teli Pednekar.		1045.00
			1 "	O: Bhicaji Teli.		637.00
				T: Zepherin Dias.		
		95	19 "	O: Shivaji Govind P. O. Desai.		350.00
				T: Babal B. Gauns.		
			17 "	O: Namdeo Shankar Nerulkar.		825.00
			16 "	O: Rama Sadu Gauns.		815.00
				Vithal Sada Gauns.		
				Rajaram Sada Gauns.		
			13 "	O: Vithal Nanu Gauns.		1750.00
			14 "	O: Raghu Bhiso Gauns.		375.00
				Narayan Ladu Gauns.		
				Ladu Shandu Gauns.		
				Gopal Vishnu Gauns.		
			10 "	O: Babli Krishna Gauns.		343.00
				T: Vincento D'Souza.		
			22 "	O: Narayan Ladu Gauns.		275.00
				Pandurang Jayram Gauns.		
				Shankar Gauns.		
			9 "	O: Krishna Duhaji Gauns.		89.00
			8 "	O: Nakul V. Bhaip.		708.00
				North: River.		
				South: Road and S. No. 101/1.		
				East: S. No. 95/22, 95/9, 95/14, 95/16, 95/17,		
				95/19, S. No. 94/1, 94/2, 94/5, 94/6, 94/7,		
				94/8, 94/10, 94/11 and S. No. 101/1.		
				West: S. No. 95/7, 95/8, 95/10, 95/13, 95/16,		
				95/17, 95/19 and road S. No. 94/1, 94/2,		
				S. No. 93/12, 93/13, 93/9, 93/15, 93/16,		
				S. No. 94/9, 94/11, S. No. 93/18 & S. No. 101/1.		
This supersedes earlier Government Notification No. 22/74/82-RD, dated 3-8-82 published in the Official Gazette, No. 20, Series II, dated 12-8-1982.						
Total						16911.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu,

L. J. Menezes Pais, Under Secretary (Rev-I),

Panaji, 30th March, 1983.

### Public Health Department

Order

No. 5/97/79-PHD-Eye Surgeon

On the recommendation of the Local Selection Committee Dr. Olive Moraes is hereby appointed on ad-hoc basis to the post of Sr. Ophthalmic Surgeon and posted at Hospicio Hospital, Margao, under the Directorate of Health Services, Panaji against the post created vide Govt. Order No. 1/16/82-PHD dated 10-9-1982, with immediate effect on the terms and conditions contained in Government Memorandum of even number dated 18-1-1983.

The appointment will not bestow on the person a claim for regular appointment and the services rendered on ad-hoc basis in the grade would not count for the purpose of seniority in that grade and for eligibility for promotion to the next higher grade.

Doctor Olive Moraes has been medically examined and found fit by the Medical Board, Panaji.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Health).

Panaji, 11th April, 1983.

### Industries and Labour Department

Order

No. 28/14/82-ILD

Whereas the Lieutenant Governor of Goa, Daman and Diu, is of the opinion that an industrial dispute exists between the management of M/s. Marlim Transport Company Private Limited, Margao, Salcete-Goa, and their workman Shri Jamuwant Tari, Conductor, in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Lieutenant Governor of Goa, Daman and Diu considers it expedient to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Lieutenant Governor of Goa, Daman and Diu hereby refers the said dispute for adjudication to the Industrial Tribunal, Goa, Daman and Diu, Panaji-Goa constituted under Section 7A of the said Act.

### SCHEDULE

"Whether the action of the management of M/s. Marlim Transport Company Private Limited, Margao, Salcete-Goa, in terminating the services of Shri Jamuwant Tari,

Conductor, with effect from 15-8-81 is legal and justified?  
If not, to what relief the said workman is entitled to?"

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu:

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 2nd April, 1983.

#### Notification

No. 1/306/73-ILD

Whereas the Government of Goa, Daman and Diu is satisfied that the public interest requires that the services in the Inland Water Transport Industry including handling, movement, or transportation of Cargo by barges (hereinafter called as the "said service") should be declared as Public Utility Service for the purposes of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

Now, Therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter called as the "said Act"), the Lieutenant Governor of Goa, Daman and Diu hereby declares the said service to be Public Utility Service for the purposes of the said Act for a period of six months from the date of publication of this Notification in the Official Gazette.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 5th April, 1983.

#### Notification

No. 28-11-79-ILD

Whereas the Government of Goa, Daman and Diu is satisfied that the public interest requires that the services in Fertilizer and Pesticide Industries (hereinafter called as the "said services") should be declared as Public Utility Services for the purpose of the Industrial Disputes Act, 1947 (14 of 1947).

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Lieutenant Governor of Goa, Daman and Diu hereby declares the said services to be Public Utility Services for the purpose of the said Act for a period of six months from the date of publication of this Notification in the Official Gazette.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 7th April, 1983.

#### Order

No. 28/2/79-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 6th April, 1983.

#### IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN & DIU, PANAJI GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No.: IT/55/78

- |                     |            |
|---------------------|------------|
| 1. Workmen          | — Party I  |
| V/s.                |            |
| 1. M/s. Maher Farms | — Party II |

Workmen/Party I represented by Shri George Vaz, Gen. Sec., Goa Trade & Commercial Workers' Union.

Employer/Party II represented by Shri Ramesh Desai, Labour Advisor.

Panaji, Dated: 18-3-1983.

#### AWARD

This is a reference made to this Tribunal by the Government of Goa, Daman and Diu by its order No. IRM/CON(29)/78/IT-34/78, dated 17th August, 1978. The schedule annexed to the order of reference reads as follows:

"Whether the action of the management of M/s. Maher Farms, Uguem, Sanguem (Goa) in terminating the services of the following 21 workmen w.e.f. 22-9-1976 is legal and justified?"

1. Shri Nicolav Fernandes
2. Shri Ramnath Parwar
3. Shri Milagres Carvalho
4. Shri Salvador Dias
5. Shri Atvanho Parwar
6. Shri Narayan Bhandari
7. Shri Ragabha Bhandari
8. Smt. Catarine D'Costa
9. Smt. Inacine Carvalho
10. Smt. Caroline Perer
11. Smt. Rosada Perer
12. Smt. Kasurem Bhandari
13. Smt. Chenpy Bhandari
14. Smt. Dateam Bhandari
15. Smt. Coleam Parwar
16. Smt. Lalith Bhandari
17. Smt. Chanda Bhandari
18. Smt. Joana Fernandes
19. Smt. Antoneth D'Costa
20. Smt. Milagrin Dias
21. Smt. Tulsi Bhandari

If the answer be in the negative, to what relief if any are the aforementioned workmen entitled to?"

2. The case of the workmen, as per their statement of claim, is that the employer started the farm somewhere in the year 1962 and the workers, whose services have been terminated, were working in the farm from its inception. The farm grows pineapple, sugarcane and banana, besides having guava and coconut trees; 50-60 workers, male and female, were engaged to work in the farm, but this number was gradually reduced till it reached 40 in the year 1961, when the concerned workmen were removed from services. The rate of wages paid to the labourers were below the minimum rates of Wages as fixed by the Minimum Wages Committee and notified by the Govt. of Goa, Daman & Diu. The owner of the farm, one Mr. N. M. Irani, was residing in Bombay and the farm was managed by one Mr. R. M. Desai, who died in 1975 and thereafter by one Mr. Bascar Valulievkar, who is the present manager. On 22-9-1979, the concerned workmen reported for duty, as usual, at 8 a.m.; at 9.30 a.m. they were called to the office of the farm and informed that, from that day i.e. 22nd, their services stood terminated and they should discontinue from coming to the farm; no reasons were given and no termination letter issued to them, in spite of their request for such letter. For about a fortnight, the workmen continued to come to the farm but were not allowed to work; the workmen then raised an industrial dispute before the Labour Commissioner, which was finally referred by the Government for adjudication by this Tribunal. It is submitted that the termination, without assigning any reason, is illegal and null and void and, therefore, it should be set aside and the workmen reinstated with continuity of service and full back wages. The workmen are also entitled to claim full minimum wages from the date of the Government notification enforcing such wages. Due to the sudden termination of their services, the workmen have been for most of the time unemployed and this has given them much hardships.

3. The employer, in its written statement, states that the company was carrying on cultivation of pineapple, paddy, etc. in the property and, for this purpose, they were engaging labourers on daily wages as and when work was availa-

ble. Work was available during the season for a particular period only and the labourers used to attend to their own fields and adjoining fields also; there was no continuous work available to the labourers for all the time; the work was also for a few hours in a day and the wages were paid according to the hours worked. Somewhere on 7-4-1976, 10 of the workers, who are covered by this order of reference, alongwith one Vasant Parwar applied to the Mamlatdar Record of Rights praying that their names be registered on the Record of Rights as cultivators of plot No. 1, sub-division 1 of the Company. Upon hearing the Manager of the Farm, the Aval Karkun of Record of Rights dismissed the application by order dated 30-3-1977. During the pendency of the application before the Court of Aval Karkun, the 10 workers alongwith others deserted the work and never again approached the company for work. It was the workers who used to approach the company for work and the company used to give them work as and when work was available. The concerned workers, however, did not come for work thereafter since September, 76. Somewhere in the month of October 1976, 10 workers filed a tenancy application to the Mamlatdar for being declared as tenants of the fields of the company. The application was dismissed by the Mamlatdar. Having failed to get the declaration and after a period of about one year, the workers approached the Labour Commissioner. The workers did not even address a notice of demand to the company. The company did not terminate the services of these workmen; they themselves stopped coming for work since September, 1976; all this time, they were working in the adjoining farms and in their own fields. It is stated that the company was engaging 20-30 workers, depending upon the requirements of the day and the availability of the workers. The company was also cultivating paddy, besides pineapple, sugarcane etc. The farm itself was started in 1964 and the question of employing the workmen before that year does not arise; none of the workmen has been in continuous long service. There are some denials in the written statement regarding certain averments made in the statement of claim, which I will not refer here, as they are not relevant for our purpose.

4. In their rejoinder, the workers maintain the stand taken in the statement of claim.

5. Following issues were framed by my Ld. Predecessor, Dr. Coelho:

- "1. Do the employers/Party II prove that they were justified in terminating the services of the Workmen/Party I?
2. Do the Workmen/Party I prove that the termination of their services is illegal, highhanded and amounts to victimisation for having claimed higher wages?
3. Do the Workmen/Party I prove that their wages were lower than the Minimum Wages for Farm Workers/Labourers enforced by the Government and they have claimed from the Employers/Party II the enhancement of their wages?
4. Do the workmen/Party, I prove that they were entitled for reinstatement with full back wages and continuity of service?
5. Do the Workmen/Party I prove that they have been mostly unemployed after the sudden termination of their services and have been subjected to great hardship and hunger?
6. Do the Employers/Party II prove that the Workmen/Party I themselves stopped coming for work since September 1976?
7. Do the Workmen/Party I prove that they were regular workers and not casual ones?"

6. Only the employer led its evidence in the case by examining the farm manager, Shri Francisco Gomes, who has produced the following documents:

Exh. E-1 is an application dated 7-4-1976, made to the Mamlatdar Record of Rights, Margao, by V. M. Pawar and 10 others. (Out of these, 7 are covered by the order of reference) praying that their names be registered as paddy cultivators of the plot surveyed under No. 1/7 of Uguem, Maher Farm;

Exh. E-2 is an application, dated 7-8-1976, to the Aval Karkun made by the above applicants except V. M. Pawar, withdrawing their application dated 7-4-1976;

Exh. E-3 is the notice, dated 25-8-76, issued by the Talathi Record of Rights Uguem to Shri N. H. Irani, fixing his say on the applicant's application, dated 7-4-1976;

Exh. E-4 is the order, dated 24-1-1978, passed by the Mamlatdar of Sanguem on the application of Vasant Pawar and 10 others, in the tenancy case No. TNC/34/76 vacating the interim injunction granted by the court on 10-11-1976 on the ground of lack of jurisdiction to entertain the said application;

Exh. E-5 and E-6 colly and E-7 are the affidavits filed in the tenancy case No. TNC/34/76 before the Mamlatdar Court at Sanguem by Joaquina Pauline Gomes, Pascoale Mascarenhas, Bhaye Naik, Simao Cabo, Sagun Yeshwant Bhandari, Philip Carvalho in support of the applicant's contention that they are cultivators of the paddy fields as tenants;

Exh. E-8 is the affidavit in reply filed by Vasant Pawar in the above mentioned tenancy case to get the ex-parte injunction granted by the Mamlatdar court confirmed;

Exh. E-9 colly. are the affidavits filed in the above mentioned tenancy case by Shri Hugo Rodrigues, Krishna Bhandari and Yenappa Dhanur rebutting the statement and allegations of the applicants that they are cultivating the disputed paddy fields as tenants. According to these affidavits, the applicants used to work in the said paddy field as hired labourers;

Exh. E-10 is the interim order dated 11-10-1976 passed by the Mamlatdar Sanguem in the tenancy case No. 34/76 restraining the opponents from interfering in the suit paddy field, which order was subsequently vacated, as it is seen from Exh. E-4; Exh. E-11 and E-12 colly., are the affidavits of Shri Minguel Alfonso, Aleixo Cardozo, Joao Xavier Carvalho and Vasant Mahadev Parwar filed by the above applicants in the above tenancy case in support of their application for temporary injunction;

Exh. E-13 is the affidavit of Vasant M. Parwar also in support of the temporary injunction in the tenancy proceeding;

Exh. E-14 is the copy of the application, dated 8-10-1976, made by Vasant Mahadev Parwar and 10 others in the tenancy case No. 34/76 before the Mamlatdar of Sanguem;

Exh. E-15 is the Judgement, dated 24-1-1978 delivered by the Mamlatdar of Sanguem in the above tenancy case dismissing the case and vacating the interim injunction, on the ground that the court has no jurisdiction to entertain the same;

Exh. E-16 is the application, dated 11-10-1976, made by Vasant M. Parwar and 9 others to the Maher Farm requesting to send their representative to collect the rent as usual, otherwise it will be deposited with the village panchayat.

7. From the above documents produced by the employer it is seen that the concerned workmen had affirmed before the Mamlatdar Record of Rights their tenancy rights in respect of the property in question and, therefore, their contention now that they were employed in the farm as labourers is contradictory and cannot be accepted. The employer's contention that the workmen were engaged in the farm as and when required and paid forthwith has gone unchallenged for want of cross examination. If such workmen were casual labourers, as contended by the employer, their services could be terminated by the employer at any time. The employer's contention, otherwise, is that the workmen themselves stopped coming for work.

7. At any rate, in view of the above evidence led by the employer, I answer to the reference as follows:

The termination of services of the workmen mentioned in the order of reference is legal and justified. No order as to costs.

Dr. Renato de Noronha  
Presiding Officer  
Industrial Tribunal

Order

No. 28/2/79-ILD

The following Awards given by the Industrial Tribunal, Goa, Daman and Diu are hereby published as required under the



provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 11th April, 1983.

**IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN AND DIU, PANAJI-GOA**

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Complaint No.: IT/30/76

1. Shri Ishwar B. Shenke Complainant/Party I  
V/s.

1. M/s. Vaman Govind Shinde Employer/Party II

Complainant/Party I, represented by Shri George Vaz, Union Leader.

Employer/Party II, represented by Shri P. K. Lele, Labour Advisor.

Panaji. Dated: 18.3.1983.

**AWARD**

This is a complaint under Section 33A of the I.D.A., 1947, in short the Act, filed by the above complainant against the above opponent for the contravention of the provision of Section 33(2)(b) of the Act.

2. It is complainant's case that, when an industrial dispute referred by the Government under Order No. IRM/CEF(217)/75/IT-12/76 dated 5-8-1976, was pending adjudication before this Tribunal, the employer dismissed the complaint without complying with the provisions of Section 33(2)(b) of the Act and without observing the principles of natural justice. He has, therefore, demanded his reinstatement with full back wages and continuity of services.

3. The opponent, in its written statement, states that the complainant is not tenable, as the employer has not contravened the provisions of the Act. It is submitted that the calendar of events would show that the dismissal of the complainant took place when there was no dispute pending before any authority to the knowledge of the opponent. Without prejudice to this contention, it is submitted that the complaint is not covered by section 33(2)(b) of the Act and that the removal of the complainant was not a matter connected with the dispute that is pending before the Tribunal. The complainant was removed after he was given opportunity to defend himself.

4. The complainant has filed a rejoinder to the written statement of the opponent.

5. By order passed by my Ld. Predecessor, Dr. Coelho, on 14-7-1980 the preliminary issue regarding maintainability of the complaint was decided in favour of the complainant.

6. When evidence was to be led by the parties on the merits of this complaint, the representative of both the parties approached the Tribunal and filed a memo of settlement praying that a consent award be passed by the Tribunal in terms of the said settlement. The settlement terms are as follows:

"1. Employer, M/s. Vaman Govind Shinde will pay the workman, Ishwar B. Shenke a sum of Rs. 1,530/- (Rupees One Thousand Five Hundred and Thirty Only) as full and final settlement of his claims arising out of the present reference.

2. The workman, in consideration of the fact that he is being paid the aforesaid amount, states that he has no other claim whatsoever against the employer M/s. Vaman Govind Shinde in respect of his employment with them and also as per the complaint filed by him to the Hon'ble Tribunal under Sec. 33A of the Industrial Disputes Act, 1947.

3. The dispute is settled in terms of paragraph (1) & (2) above.

6. I have duly considered the above terms of settlement which are just and fair to both the parties and, hence, I accept them and pass the following order:

**ORDER**

Consent Award in terms of the above settlement is hereby made and the matter is disposed off. No order as to costs.

Dr. Renato de Noronha

Presiding Officer

Industrial Tribunal

**IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN AND DIU, PANAJI GOA**

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No.: IT/12/78

1. Shri Rajesh Shetty — Workman/Party I  
V/s.

1. M/s. Shalimar Bar & Restaurant — Employer/Party II

Workman/Party I represented by Shri N. J. Rebelo, Union Leader.

Employer/Party II represented by Shri R. Desai, Labour Advisor.

Panaji. Dated: 28-3-1983

**NO DISPUTE AWARD**

This is a reference made to this Tribunal by the Government of Goa, Daman & Diu, by its order No. IRM/CON/(85)/75/IT-23/77 dated 24th January, 1978. The schedule annexed to the order of reference reads as follows:

"Whether the action of the management of M/s. Shalimar Bar and Restaurant, Panaji Goa, in terminating the services of Shri Rajesh Shetty, mate, with effect from 14-6-1975 is legal and justified?

If not, to what relief the workman is entitled to?"

2. The case of the workman, as per his statement of claim, is that he was employed in the employer's establishment as a mate in or about November, 1974. No appointment letter was issued to him, nor his service conditions were made known to him. The workmen employed by the employer formed a Union and started agitating their demands. This annoyed the employer, who started terrorizing the workmen and warning the Jr. members not to join the Union. The workman joined the Union while an industrial dispute of the workers was pending conciliation before the Labour Commissioner. When the employer came to know of this fact, immediately issued him notice dated 15-5-1975 of termination of his service w.e.f. 14-6-1975. The employee, through the Union, protested against such termination, but with no result. Then the matter was taken up before the Labour Commissioner, who started conciliation proceedings which took a long time and, after a delay of more than two years, a failure report was submitted by the Labour Commissioner to the Government. Hence, this reference. The contention of the workman is that the termination of his services by the employer is illegal, unjustified and motivated by victimization. He has prayed for reinstatement, with continuity of services and full back wages.

3. The employer, in its written statement, has stated that the workman was employed as Asstt. Cook on a probation period of six months w.e.f. 15-1-1975. During this period, it was found that his performance was not satisfactory, as a result of which he was issued a letter dated 15-5-1975 terminating his services from 14-6-1975. He was paid full wages of six months during which he was on probation, but did not accept his wages from 1-6-1975 to 14-6-1975, when the same were offered to him. The employer is entitled to terminate the services of a probationer when they are not found satisfactory. The allegation of malafide and victimization are to be proved by the Union to the satisfaction of the Court. As per the information of the employer, the workman is, at present, usefully employed.

4. After issues were framed and list of evidence filed, the case was posted for evidence and adjourned on various occasions. Finally, the Union's representative filed an application stating that the parties had arrived at an amicable settlement outside the Tribunal and, therefore, this reference be treated as closed, after passing a no dispute award. Heard the employer's representative on this application, he gave his no objection.

5. Since the matter has been compromised outside the Tribunal as per the statement of the parties, there is no actual dispute between the parties to be adjudicated upon and, hence, I pass this No Dispute Award and order that this matter be treated as disposed off. No order as to cost.

*Dr. Renato de Noronha*

Presiding Officer  
Industrial Tribunal

**IN THE INDUSTRIAL TRIBUNAL  
GOA, DAMAN AND DIU, PANAJI-GOA**

(Before *Dr. Renato de Noronha*, Hon'ble Presiding Officer)

Reference No. IT/65/82

- |                              |                     |
|------------------------------|---------------------|
| 1. Shri Shaikh Abdul Zabbar  | — Workman/Party I   |
| V/s.                         |                     |
| 2. M/s. Marlim Transport Co. | — Employer/Party II |
| Pvt. Ltd.                    |                     |

Employer/Party II represented by Adv. M. Telles.

Panaji, Dated: 28-3-1983

**REPORT**

This is a reference made to this Tribunal by the Govt. of Goa, Daman & Diu, by its Order No. 28/13/82-ILD dated 6-11-1982. The schedule annexed to the Order of reference reads as follows:

"Whether the action of the management of M/s. Marlim Transport Company Private Limited, Margao, Salcete, Goa, in terminating the services of Shri Shaikh Abdul Zabbar, Conductor, with effect from 30-7-1981 is legal and justified?

If not, to what relief the said workman is entitled to?"

2. On the date fixed for the statement of claim of the workman, the latter sent a telegram saying that he was sick and praying for adjournment, which was granted. On the next date fixed, he also failed to remain present and did not file any statement of claim. Case proceeded ex-parte against him and the employer was directed to file its written statement. It sought adjournment on 3 occasions and, finally, stated that it was not filing any statement nor leading any evidence.

3. Since it was for the parties to prove their respective claims before the Tribunal and adduce evidence in support of them, which they have failed to do, it is not possible for this Tribunal to adjudicate upon this reference in the absence of co-operation of the parties. Hence, I report this matter to the Government with a request that it may be treated as closed.

*Dr. Renato de Noronha*

Presiding Officer  
Industrial Tribunal

**Finance Department (Expenditure)**

Order

No. 6/3/82-Fin(Exp)

Ref: — Government Order No. 6-2-81-Fin(Exp) dated 5-11-1982.

On the recommendation of Departmental Promotion Committee the Administrator of Goa, Daman and Diu is pleased to order ad-hoc promotion of Shri P. C. Sancoalecar, Deputy Director of Accounts under common accounts cadre to the

newly created post of Joint Director of Accounts in the pay scale of Rs. 1100-50-1600 from the date of his taking charge of the post in the Directorate of Accounts, South Branch, Margao, for a period of one year or till the post is filled on regular basis in accordance with the approved Recruitment Rules, whichever is earlier.

The promotion will not bestow on the promotee any claim for regular appointment and the service rendered on ad-hoc basis in the grade will not count for the purpose of seniority in that grade and for eligibility for promotion in the next higher grade.

By order and in the name of the Administrator of Goa, Daman and Diu.

*Subhash V. Elekar*, Under Secretary (Finance).

Panaji, 18th April, 1983.

**Finance Department (Revenue and Control)**

Notification

No. Fin(Rev)/2-36/40/77

In exercise of the powers conferred by sub-section (1) of section 10A of the Goa, Daman and Diu Sales Tax Act, 1964 (4 of 1964), the Lieutenant Governor of Goa, Daman and Diu hereby amends the Government Notification No. Fin(R&C)/2-36/40/77, dated the 30th July, 1981 published in the Gazette, No. 19 Series II, dated 6-8-1981 (hereinafter called the 'said Notification'), as follows, namely:—

In the said Notification, for the words "one year", the words "two years", shall be substituted.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

*Subhash V. Elekar*, Under Secretary (Finance).

Panaji, 14th April, 1983.

**Law Department (Establishment)**

Notification by the High Court of Judicature,  
Appellate side, Bombay

No. A 3902(1)/83

The Honourable the Chief Justice and Judges are pleased to grant Shri V. P. Shetye, Civil Judge, Senior Division and Chief Judicial Magistrate, Panaji, earned leave for 18 days from 26th April 1983 to 13th May 1983 with permission to prefix 24th and 25th April 1983 and suffix 14th and 15th May 1983 being Sundays and holidays thereto.

On return from leave Shri Shetye is reposted as Civil Judge, Senior Division and Chief Judicial Magistrate, Panaji.

High Court, Appellate Side,

Bombay, 5 April, 1983.

*S. M. Daud*  
Registrar.

Corrigendum

In the Notification No. 22/22/83-RD, dated 3-3-1983, of Revenue Department, published in the Official Gazette, Sr. II, No. 50, dated 10-3-1983, the Survey No. under Column No. 5 of the Schedule may be read as "52/3 (part)" instead of "52/2 (part)".

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